

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

LISA T., )  
 )  
 Plaintiff, ) Civil Action No. 5:21-cv-00068  
 )  
 v. ) **ORDER**  
 )  
 KILOLO KIJAKAZI, ) By: Hon. Thomas T. Cullen  
 Acting Commissioner of Social Security, ) United States District Judge  
 )  
 Defendant. )

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In this social security appeal, the court referred the parties' cross motions for summary judgment (ECF Nos. 15, 16) to Magistrate Judge Joel C. Hoppe for a report and recommendation ("R&R") under 28 U.S.C. § 636(b)(1)(B). Judge Hoppe entered his R&R on March 9, 2023, recommending that the court grant Plaintiff Lisa T.'s motion for summary judgment, deny the Commissioner's motion for summary judgment, and remand this case to the Commissioner for further proceedings. (ECF No. 18.) Under Fed. R. Civ. P. 72(b)(2), the parties were given 14 days to file objections to the R&R, but none were filed. The court has reviewed the R&R for clear error. Finding none, it is hereby **ORDERED** that:

- (1) The R&R (ECF No. 18) is **ADOPTED** in its entirety;
- (2) Plaintiff Lisa T.'s motion for summary judgment<sup>1</sup> (ECF No. 15) is **GRANTED**;
- (3) The Commissioner's motion for summary judgment (ECF No. 16) is **DENIED**;

and

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<sup>1</sup> Based on the procedures outlined in this district's Local Rules, the court construes Plaintiff's brief as a motion for summary judgment. *See* W.D. Va. R. 4(c).

(4) This case is **REMANDED** to the Commissioner under the fourth sentence of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

The clerk is directed to forward a copy of this Order to the parties.

**ENTERED** this 24th day of March, 2023.

*/s/ Thomas T. Cullen*

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HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT